REMARKS

This Application has been carefully reviewed in light of the Final Action mailed February 9, 2006. Claims 1 and 11 have been amended merely for clarity purposes in order to correspond with the wording of the specification and not as a result of the prior art cited by the Examiner. Applicant respectfully requests reconsideration and favorable action in this Application.

Claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stewart, et al. in view of Periyannan, et al. Independent claims 1 and 11 recite in general an ability to receive a first request having a first uniform resource identifier and a header portion, compare the first uniform resource identifier and the header portion to transform criteria to identify a specific transform associated with the first uniform resource identifier and the header portion, and generate a second request based on the specific transform, the first uniform resource identifier, and the header portion. By contrast, the Examiner readily admits that the Stewart, et al. patent fails to disclose an ability to compare the first uniform resource identifier and the header portion to transform criteria to identify a specific transform associated with the first uniform resource identifier and the header portion. To overcome the deficiencies of the Stewart, et al. patent, the Examiner proposes to combine the Periyannan, et al. patent with the Stewart, et al. patent. However, the portion of the Periyannan, et al. patent cited by the Examiner is merely directed to a determination as to whether a request is for a cacheable or non-cacheable object. If for a cacheable object, the request is passed to the cache. If for a non-cacheable object, the request is passed to the content server. Thus, the Periyannan, et al. patent fails to

disclose an ability to compare the first uniform resource identifier and the header portion to transform criteria to identify a specific transform associated with the first uniform resource identifier and the header portion. Thus, neither the Stewart, et al. nor Periyannan, et al. patents identify a specific transform defining an action to be performed on the first uniform resource identifier and the header portion associated with a first request based on a comparison to transform criteria as required by the claimed invention. Therefore, Applicant respectfully submits that Claims 1-20 are patentably distinct from the proposed Stewart, et al. - Periyannan, et al. combination.

This Response to Examiner's Final Action is necessary to address the new grounds of rejection and newly cited art in support thereof. This Response to Examiner's Final Action could not have been presented earlier as the Examiner has only now presented the new grounds of rejection and newly cited art to support a rejection of the claims.

Applicant respectfully requests withdrawal of the finality of the present Office Action. "Before final rejection is in order a clear issue should be developed between the examiner and applicant." M.P.E.P. §706.07. A clear issue has not been developed between the Examiner and Applicant with respect to the Periyannan, et al. patent as the Examiner has only now used the Periyannan, et al. patent to support a rejection of these claims. According to M.P.E.P. §706.07, hasty and ill-considered final rejections are not sanctioned. "The applicant who is seeking to define his or her invention in claims that will give him or her the patent protection to which he or she is justly entitled should receive the cooperation of the examiner to that end, and not be prematurely cut off in the prosecution of his or her

application." M.P.E.P. §706.07. "To bring the prosecution to as speedy conclusion as possible and at the same time to deal justly by both the applicant and the public, the invention as disclosed and claimed should be thoroughly searched in the first action and the references fully applied; and in reply to this action the applicant should amend with a view to avoiding all the grounds of rejection and objection." M.P.E.P. §706.07.

Applicant responded to the previous rejections of the claims and overcame the Stewart, et al. patent used by the Examiner to reject these claims. Now the Examiner comes back with the Periyannan, et al. patent in combination with the Stewart, et al. patent which the Examiner did not use as a basis for any rejection of these claims in the previous Office Action. The Examiner now uses the Periyannan, et al. patent in the same manner as the Stewart, et al. patent was used in the previous Office Action. Thus, the Examiner has not followed the M.P.E.P. where it states that "[s}witching from . . . one set of references to another by the examiner in rejecting in successive actions claims of substantially the same subject matter, will alike tend to defeat attaining the goal of reaching a clearly defined issue for an early termination, i.e., either an allowance or a final rejection." Amendments to the claims in response to the previous Office Action did not substantially change the subject matter of the claims to force the Examiner to now use the Periyannan, et al. in support of the claim rejections.

As a result, Applicant has not been given the cooperation of the Examiner as required and has been denied an opportunity to fully address the Periyannan, et al. patent and associated new grounds of rejection. By not providing Applicant the capability to fully respond to the Periyannan, et al. patent

without the assurance that the response would be considered and entered, the Examiner has prematurely cut off prosecution of the present Application. Applicant has not been given a full and fair hearing to which it is entitled and a clear issue has not been developed as required. Therefore, Applicant respectfully submits that the final rejection is premature and that the finality of the present Office Action be withdrawn.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending Claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

The Commissioner is hereby authorized to charge any fees or credit any overpayments associated with this Application to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,
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